

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 L-03 H-01 EB-08 COME-00
INT-05 TRSE-00 DLOS-09 CIAE-00 INR-10 NSAE-00
INRE-00 SSO-00 NSCE-00 SS-15 PA-01 ICAE-00 CG-00
DOTE-00 /072 W

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O 030022Z MAY 78
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC IMMEDIATE 7284

C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 02260

OES FOR NEGROPONTE

E.O. 11652: GDS
TAGS: EFIS, CA
SUBJECT: U.S./CANADIAN 1978 INTERIM FISHERIES AGREEMENT

REF: STATE 110868

1. SUMMARY: GOC IS NOT SATISFIED WITH WAY 1978 INTERIM FISHERIES AGREEMENT IS BEING IMPLEMENTED, AS INDICATED DURING BILATERAL WASHINGTON TALKS APRIL 28. UNDER THESE CIRCUMSTANCES, GOC EXAMINED THREE OPTIONS: CONCEDE BANKRUPTCY OF AGREEMENT, PUT IT TEMPORARILY ON SHELF, OR URGENTLY CONVOKE HIGH-LEVEL NEGOTIATORS (CUTLER-CADIEUX) TO PUT AGREEMENT BACK ON RAILS. GOC HAS CHOSEN THIRD OPTION, AND GOTLIEB WILL LAY OUT CANADIAN PROPOSAL TO AMBASSADOR ON MAY 3. END SUMMARY

2. PURSUANT TO REFTTEL, AND DUE TO INABILITY OF FISHERIES MINISTER LEBLANC TO RECEIVE AMBASSADOR, DCM (ACCOMPANIED BY NEE) CALLED ON EXTAFF LEGAL AFFAIRS DIRGEN MAURICE COPITHORNE ON MAY 2 TO DISCUSS CURRENT DIFFICULTIES IN IMPLEMENTATION OF 1978 INTERIM AGREEMENT. LORNE CLARK (EXTAFF) AND EXTAFF USA DIVISION
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DIRECTOR JOHN SHARPE WERE ALSO PRESENT.

3. DCM OUTLINED OUR PUZZLEMENT OVER TARDY GOC RESPONSE TO REQUEST FOR CLOSURE OF SWIFTSURE BANK, AND DRASTIC SUGGESTION THAT TWO SIDES SHOULD CONSIDER SUSPENDING IMPLEMENTATION OF INTERIM AGREEMENT UNTIL IT HAS BEEN RATIFIED BY CONGRESS, CONSIDERING DELETERIOUS EFFECT

THAT ACTION WOULD HAVE ON EFFORTS TO ACHIEVE LONG-TERM AGREEMENT.

4. IN RESPONSE, COPITHORNE SAID FOLLOWING APRIL 28 MEETING IN WASHINGTON, GOC CONCLUDED THREE OPTIONS WERE OPEN TO THEM:

(A) TO RECOGNIZE 1978 AGREEMENT HAD COLLAPSED, THAT DIFFERENCES OF SUBSTANCE WERE SO GREAT AND SO FUNDAMENTAL
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(ON EAST AS WELL AS WEST COAST) THAT APPLICATION OF AGREEMENT WAS IMPOSSIBLE. THIS CONCLUSION WAS REJECTED AS TOO "GRIM".

(B) TO SUSPEND PROVISIONAL APPLICATION OF 1978 INTERIM AGREEMENT, "PUT IT ON THE SHELF", WHILE TRYING TO REBUILD CONSENSUS WHICH WOULD ENABLE THE TWO GOVERNMENTS TO MOVE FORWARD. THIS WAS CLEAR PREFERENCE ON THE CANADIAN SIDE. HOWEVER, IN VIEW OF CONCERNS EXPRESSED BY U.S. THAT SUCH ACTION WOULD SERIOUSLY UNDERCUT CONGRESSIONAL AND FISHING INDUSTRY SUPPORT FOR A LONG-TERM SETTLEMENT, THIS IDEA WAS DROPPED.

(C) TO CONVOKE URGENTLY THE TWO CHIEF NEGOTIATORS (CADIEUX AND CUTLER) FOR ANOTHER TRY AT AGREEMENT.
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5. COPITHORNE COMMENTED THAT IN GOC VIEW, ONE MORE EFFORT SHOULD BE MADE AT THE "HIGHEST SPECIAL LEVEL" TO SEE IF THINGS CAN BE PUT BACK ON THE RAILS. HE ENVISAGES A MEETING OF THE TWO NEGOTIATORS EARLY NEXT WEEK, AND HAS ALREADY CONFIRMED CADIEUX'S AVAILABILITY. COPITHORNE SAID EXTAFF UNDERSECRETARY GOTLIEB WOULD BE MAKING A CONCRETE PROPOSAL TO THIS EFFECT TO AMBASSADOR ENDERS. (NOTE: GOTLIEB-ENDERS MEETING HAS NOW BEEN CONFIRMED FOR NOON ON MAY 3.)

6. IN RESPONSE TO DCM'S POINTS, CLARK GAVE LENGTHY EXPOSITION ON CANADIAN PERCEPTION OF HOW MATTERS HAD ARRIVED AT CURRENT IMPASSE. CANADIANS WERE AS COMMITTED TO PRINCIPLE OF CONSERVATION ON SWIFTSURE BANK AS THE U.S. HOWEVER, THERE WAS GENUINE DISAGREEMENT BETWEEN SCIENTISTS OF THE TWO COUNTRIES AS TO WHAT LEVEL OF NETTED SHAKERS WOULD REQUIRE CONSERVATION MEASURES. MOREOVER, CANADIANS HAD BECOME AWARE OF POLITICAL DIMENSION TO THE SHAKER PROBLEM, HAVING BEEN TOLD BY VARIOUS SOURCES, INCLUDING DIRECTLY BY WASHINGTON STATE OFFICIALS, THAT IF "ONE SHAKER WAS FOUND IN SWIFTSURE

BANK, THE U.S. WOULD CALL FOR CLOSURE."

7. CANADIANS HAD WORKED ON ASSUMPTION, CLARK SAID, THAT WRITTEN COMMUNICATIONS AND DISCUSSIONS BETWEEN U.S. AND CANADA DURING APRIL 14-28 PERIOD CONSTITUTED CONSULTATIONS AND THAT "THE CLOCK HAD BEEN STOPPED." DURING THIS PERIOD CANADA HAD CARRIED OUT TEST FISHING, RESULTS OF WHICH LED IT TO CLOSE 1/4 OF SWIFTSURE BANK BUT DEMONSTRATED TO THEIR SATISFACTION THAT THERE WAS NO NEED TO CLOSE BALANCE OF AREA. ANOTHER MAJOR COMPLI- CATION FOR CANADIAN SIDE WERE DEVELOPMENTS IN ATLANTIC

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TO SECSTATE WASHDC IMMEDIATE 7285

C O N F I D E N T I A L SECTION 02 OF 02 OTTAWA 02260

FISHERIES. NEW ENGLAND FISHERY MANAGEMENT COUNCIL WAS DRAMATICALLY INCREASING U.S. FISHERIES IN HADDOCK, SCALLOPS, POLLOCK, COD, ETC. CONTRARY TO GOOD CONSERVATION PRACTICES AND WITHOUT CONSULTATION PROCEDURE. CLARK EXPRESSED CONCERN THAT PROCEDURES OF FISHERY MANAGEMENT COUNCIL PRECLUDE A FOREIGN POLICY DIMENSION AND HE FELT THERE SHOULD BE SOME MECHANISM FOR CANADIAN INTERESTS TO BE GIVEN A HEARING WITHIN U.S. DECISION MAKING PROCESS. WITHOUT SUCH OPPORTUNITY, CLARK THOUGHT PROSPECTS FOR A LONG-TERM AGREEMENT ARE NOT GOOD.

8. DCM POINTED OUT THAT USG WOULD BE IN UNTENABLE POSITION WITH U.S. INDUSTRY IF IT DID NOT TAKE ACTIONS DIRECTLY PROVIDED BY 1978 INTERIM AGREEMENT, SUCH AS PARA 1(C). FURTHERMORE, IN WASHINGTON'S VIEW, WRITTEN COMMUNICATIONS OF APRIL 14 AND 21 WERE EXPLICIT AND UNAMBIGUOUS, THUS THERE COULD BE NO MISUNDERSTANDING ABOUT THE "CLOCK BEING STOPPED." NEVERTHELESS, USG REMAINS FIRMLY COMMITTED TO IMPLEMENTING INTERIM

AGREEMENT, AND MORE IMPORTANTLY ACHIEVING LONG RANGE
ONE, AND THEREFORE WOULD WELCOME GOC PROPOSAL FOR
URGENT CONVOCATION OF SPECIAL NEGOTIATORS. CLARK
RESPONDED THAT EXTAFF SHARES OUR COMMITMENT, BUT POINTED
OUT THAT WITHIN GOC, FISHERIES MINISTRY IS HIGHLY
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SKEPTICAL THAT NUMEROUS DIFFICULTIES CAN BE RESOLVED
THROUGH DIPLOMATIC EFFORTS.
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